

REMARKS

The Office Action dated January 11, 2005 has been received and reviewed. Claims 1-24 are currently pending in the application. Claims 1-24 stand rejected. Applicants have amended claims 6 and 20, and respectfully request reconsideration of the application as amended herein.

35 U.S.C. § 112 Claim Rejections

Claims 1-24 stand rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse this rejection, as hereinafter set forth.

The Examiner first deems the phrase “pushing said substrate,” as used in claims 1, 12-14, and 18-19, to be new matter, having no support in the specification. Applicants note that this mode of operation is so inherent in the specification that it may perhaps have been overlooked. Nevertheless, Applicants refer the Examiner to a number of locations in the specification where this limitation is apparent.

Throughout the specification, reference is made to a “feeding stage” and to a “material feeder” (*see, e.g.*, page 4, lines 4-5; page 7, line 8). That this feeder stage is intended to introduce or “push” materials into the present invention is apparent at several points in the specification. At page 7, line 17, for example, “lengths of stock may be fed via feeder 12[.]” More telling, after discussing the normal or standard operation of the present invention using the feeder stage as just described, the specification states, at page 8, lines 3-7 (emphasis added), that “*Alternatively, ...it is possible to draw the substrate through the coating stage... [T]he exit end of the substrate may*

be grasped to draw the substrate through the coating stage”, thus clearly requiring that the previous discussion *did not* refer to drawing the substrate through the coating stage, but rather pushing it through the coating stage.

Figure 1 clearly shows the Feeder 12 on the “input” side of the present invention, but the specification makes no mention of a means or method for drawing a substrate through the various stages except for the “alternative” method discussed at page 8, lines 6-7. Even there, no detail is provided, such “drawing” techniques being well-known in the prior art, and therefore not the focus or purpose of the discussion presented in the specification.

Applicants therefore respectfully submit that the phrase “pushing said substrate” as used in claims 1, 12-14, and 18-19 does not introduce new matter.

The Examiner next deems the phrase “treating said substantially rigid substrate,” as used in claims 3, 4, 15, and 16, to be new matter. The Examiner has suggested changing the language of this claim to use the term “pretreating,” as reflected on page 8 of the specification.

Applicants respectfully submit that the term “treating” as used in claims 3, 4, 15, and 16, encompasses both the pretreatment steps for a substrate, as listed on page 8 of the specification, as well as other treatments outlined in the specification. The American Heritage Dictionary defines “treat” as “to subject to a process, action, or change, especially to subject to a chemical or physical process or application.” This term is in common usage, both in everyday speech and in the materials handling and processing art. In the present context, the pretreatment processes listed on page 8 of the specification and in claims 3, 4, 15, and 16—including high pressure steam cleaning, high pressure air cleaning, solvent cleaning, and water bath cleaning—clearly are methods of “treating” the substrate. The term “pretreatment” is merely used to indicate the

relative time period in which the treatment occurs. But the activity is nonetheless one of “treating” the substrates.

Applicants therefore respectfully submit that the phrase “treating said substantially rigid substrate” as used in claims 3, 4, 15, and 16 does not introduce new matter.

In a related statement, the Examiner deems the phrase “cooling, stacking, and cutting said (substantially rigid) substrate into desired lengths,” as used in claim 4, to be new matter. Claim 16 contains identical language. Applicants concede that the language used in claims 4 and 16 is an amalgamation into one claim of processes that are disclosed at several points in the specification, but Applicants respectfully assert that all of these activities are clearly described in the specification. Further, these processes or activities should rightly be regarded as additional “treatments” that the substrates can undergo as part of the method disclosed in the present invention.

Specifically, cooling the substrate is disclosed as a treatment step at page 3, line 1; at page 5, line 1; at page 7, line 14; and at page 9, line 14. Stacking the substrate is disclosed as a treatment at page 12, line 8, where stacking is mentioned as an operation that can be performed on the substrate during a finishing stage. This surely equates to treating the substrate according to the definition given previously, as stacking subjects the substrate to a physical process or action. Cutting the substrate is also disclosed in the specification. At page 7, line 20, cutting the substrate, or the stock, is listed as a possible step in the treatment of the stock. This treatment process is also expressly mentioned at page 12, line 8.

Applicants therefore respectfully submit that the phrase “cooling, stacking, and cutting said (substantially rigid) substrate into desired lengths” as used in claims 4 (and 16) does not introduce new matter.

The Examiner next deems the terms “non-continuous substrate” and “in series,” as used in claim 5, to be new matter. Applicants respectfully note that these terms are inherent requirements for numerous points made in the specification.

At page 7, lines 10-12, the specification refers to processing “a plurality of substrate samples in a given hour” and also to “the number of elements can pass through apparatus.” These statements clearly imply that discrete, non-continuous “pieces” of substrate are contemplated, rather than a continuous substrate. Further, at page 7, lines 15 and 17 refer to “long lengths of stock” and “manageable lengths of stock” being fed into the apparatus used in this method. If a continuous substrate were contemplated, speaking of a “length” of stock would be unreasonable.

Additional evidence for the non-continuous, discrete nature of the substrate is provided beginning on page 18, at line 19. There, example products that may be coated using the present invention are stated to include “base and crown molding...; trim work...; picture frame[s]...; ‘wood’ blinds and shutters; metal trim and finish work...; and 4’x8’ panels.” Though some of the items listed in this paragraph are occasionally available as a continuous substrate (for example, vinyl siding), most are typically available only as non-continuous, discrete piece goods. This is expressly the case for a “4’ x 8’ panel.” The “stu[r]dy” objects referred to at page 19, line 3, which are “substantially rigid” (line 6), cannot reasonably be assumed to be anything but non-continuous—a continuous, rigid substrate would be unmanageable in the extreme.

The phrase “in series,” as used in claim 5, refers simply to inserting one substrate after another into the device used in the present invention. This is evident from phrases such as “the number of elements [that] can pass through apparatus 10” (see page 7, lines 11-12), and “lengths of stock may be fed” (see page 7, line 17).

Based on these explanations, Applicants respectfully submit that the phrases “non-continuous substrate” and “in series,” as used in claim 5, are not new matter, but are fully disclosed in the specification.

The Examiner also deems the phrase “to promote a bond with said coating material,” as used in claim 6, to be new matter. As amended, this phrase has been deleted from claim 6. Applicants therefore respectfully request that the Examiner withdraw his rejection of this claim as containing new matter.

The Examiner next deems the phrase “absence of pigmentation,” as used in claims 11 and 24, to be new matter. Applicants note that page 13, line 17 of the specification states that “Additional materials are included in the coating “recipe” such as color pigment, UV stabilizers, emulsifiers, rubbers, and other types of stabilizers necessary to ensure a durable and appealing finish....” Of course, the fact that one or more of the listed additional materials are included in the coating material, as disclosed in the specification, does not indicate that *each and every one* of them must necessarily be included. Just as a particular mix of coating material might not include all of the listed stabilizers, it also might not include color pigment. Applicants take note of the further statement on page 13, at line 22: “The pigmentation typically includes about 10 percent of the coating material.” This statement does not expressly state that the pigmentation is

optional, but clearly implies that the amount of pigment to be used is dependent on the discretion of one skilled in the art, with 10% being a typical—not a required—amount of pigmentation.

Applicants accordingly request that the phrase “absence of pigmentation,” as used in claims 11 and 24, not be deemed new matter.

The Examiner then deems the phrase “substantially uniform cross-sectional profile,” as used in lines 3-4 of claim 14, to be new matter. Applicants respectfully point out the language of page 15, at lines 6-8, which states that “[w]here the perimeter of die 56 is fixed, the cross sectional perimeter of the substrate must be fixed at all times as it passes through the die.” The terms “fixed” and “uniform” as used in these two passages are clearly synonymous, as both refer to the cross-sectional outline of the substrate being coated. Further, the terms “cross-sectional profile” used in claim 14 and “cross sectional perimeter” used on page 15 of the specification are essentially synonymous. A *profile* is defined in the American Heritage Dictionary as “an outline of an object,” while *perimeter* is defined as “the outer limits of an area” or “a closed curve bounding a plane area.” In common understanding, a perimeter is a two-dimensional outline of an area.

Claim 14 refers to a “substrate having a substantially uniform cross-sectional profile,” while page 15 of the specification refers to how “the cross sectional perimeter of the substrate must be fixed.” Figure 5, at 71, clearly shows the aperture of the coating device extending through the length of the die, which would require that the full length of a piece of substrate conform to an essentially identical cross-sectional profile, mirroring the terms used in claim 14.

Further evidence of the substantially uniform cross-sectional profile is provided by the language on page 4, lines 18-22. There, the term “alternatively” is used to refer to cases where

“the surface lacks a uniform perimeter across its entire length.” If the alternative structure *lacks* a uniform perimeter, surely the previously defined standard embodiment *has* a uniform perimeter, or, stated in synonymous terms, a uniform cross-sectional profile.

Applicants accordingly request that the phrase “substantially uniform cross-sectional profile,” as used in lines 3-4 of claim 14, not be deemed new matter.

The Examiner then deems the phrase “a second aperture larger than, but conforming to, said first aperture,” as used in lines 6-7 of claim 14, to be new matter.

Applicants respectfully refer the Examiner to the specification between page 15, line 18, and page 16, lines 12, as well as Figure 4, which this section of the specification references. Figure 4 clearly shows to those skilled in the art that the two halves of the die include, in one half, an aperture 73; and in the other half, a second aperture 71 that includes a receiving channel 80 that is larger than, but conforms to the outline of, the first aperture. This receiving channel 80 is described at page 16, lines 4-7. More specifically, page 16, lines 9-12 explain that the receiving channel be of sufficient size that sufficient coating material can collect in the channel in order to permit deposition of the coating material onto the substrate.

Though the phrase “larger than” is not used at this point in the specification, the requirement imposed by the description at page 16, lines 9-12, as well as the illustration of the two halves of the die in Figure 4, clearly indicate that the second aperture is larger than the first aperture in order to permit coating material to collect therein; and furthermore, that the second aperture must nonetheless conform to the shape of the first aperture in order to permit the substrate to continue its progress through the die after passing by the coating material that has accumulated in the enlarged receiving channel.

Given the uncomplicated nature of the illustration provided in Figure 4, as well as the description provided on page 16 of the specification, Applicants respectfully request that the phrase “a second aperture larger than, but conforming to, said first aperture,” as used in lines 6-7 of claim 14, not be deemed new matter.

The Examiner then deems the phrase “each substrate length having a substantially identical cross-sectional profile,” as used in claim 17, to be new matter. As with the rejection of lines 3-4 of claim 14 as new matter, Applicants respectfully point out the language of page 15, at lines 6-8, which states that “[w]here the perimeter of die 56 is fixed, the cross sectional perimeter of the substrate must be fixed at all times as it passes through the die.” Again, the terms “cross-sectional profile” used in claim 17 and “cross sectional perimeter” used on page 15 of the specification are essentially synonymous.

Further, though claim 17 refers to “each substrate length” and page 15 of the specification refers to the cross section of a single substrate, it is apparent that if a single substrate passing through the die must have a uniform profile, or in other words, a uniform perimeter, in order to match the outline of the die through which it passes, then each subsequent length of substrate must also have a substantially identical cross-sectional profile. Otherwise, the die would be useful for only a single length of substrate and all the advantages of the present invention would come to naught. Figure 5, at 71, shows the aperture of the coating device extending through the length of the die, which would require that each length of substrate conform to an identical cross-sectional profile matching the die.

Applicants accordingly request that the phrase “each substrate length having a substantially identical cross-sectional profile,” as used in claim 17, not be deemed new matter.

Finally, the Examiner deems the phrase “applying further comprises coating said substrate,” as used in claim 20, to be new matter. Because claim 19 refers to “applying...said coating material to said substrate,” it is apparent that the phrase in claim 20, “said applying further comprises coating said substrate...” would require a double coating in the same application step. Claim 20 has been amended to more clearly state that the coating applied as described in claim 19 is, by claim 20, to be of a substantially uniform thickness ranging from 0.001 inches to 0.250 inches.

Accordingly, applicants respectfully submit that claim 20, as amended, does not contain new matter.

In view of the foregoing, Applicants respectfully request that the rejection of the claims under 35 U.S.C. § 112 as presenting new matter be withdrawn.

ENTRY OF AMENDMENTS

The amendments to claims 6 and 20 above should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

CONCLUSION

Applicants respectfully submit that claims 1-24 are in condition for immediate allowance. In the event the Examiner finds any remaining impediment to the prompt allowance of any of these claims which could be clarified in a telephone conference, the Examiner is respectfully urged to initiate the same with the Applicants' undersigned attorney.

DATED this 11th day of July, 2005.

Respectfully submitted,



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